

**CALIFORNIA COASTAL COMMISSION**

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# Thu 8a

September 18, 2003

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR  
AMENDMENT NO. 1-03B (SORRENTO VALLEY ROAD CLOSURE) For Public  
Hearing and Possible Final Action at the Coastal Commission Hearing of October 7-10,  
2003**

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## **SYNOPSIS**

The proposed LCP amendment (component B) was submitted on June 10, 2003. The entire submittal includes (A/Tierra Alta) a rezone in the Mira Mesa community and (C/Affordable Housing) addressing the ordinance related to affordable housing. The fourth component is being processed as a de minimis LCP Amendment #2-03 addressing chrome-plating businesses in Barrio Logan. The entire submittal has not been deemed complete and is, therefore, not subject to timing constraints at this time.

## **SUMMARY OF AMENDMENT REQUEST**

The City is proposing to amend the Torrey Pines Community Plan to delete the portion of Sorrento Valley Road between Carmel Valley Road and Carmel Mountain Road from the circulation element. The City then proposes to close that portion of the road to all but emergency vehicles and reuse the area as a bicycle/pedestrian path. The land use plan already designates the area as open space. The local approvals include the subject Local Coastal Program (LCP) amendment, a street vacation, Coastal Development Permit, and certification of an Environmental Impact Report (EIR). The associated City-issued coastal development permit is appealable to the Coastal Commission.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the LCP amendment be approved as submitted. The amended land use plan (LUP) language replaces the term "Sorrento Valley Road" with "Sorrento

Valley Road bicycle/pedestrian path” or similar language. It also modifies the document exhibits to remove that portion of Sorrento Valley Road from the public road system as a two-lane arterial. The amendment does not change the development standards or any actual policy language of the LUP, or change any land use designations.

The appropriate resolution and motion begins on page 4. The findings for approval of the Land Use Plan Amendment, as submitted, begin on page 5.

## **BACKGROUND**

The City of San Diego Local Coastal Program (LCP) was segmented into twelve geographic areas, corresponding to community plan boundaries, with separate land use plans submitted and certified (or certified with suggested modifications) for each segment. The Implementing Ordinances were submitted and certified with suggested modifications, first in March of 1984, and again in January of 1988. Subsequent to the 1988 action on the implementation plan, the City of San Diego incorporated the suggested modifications and assumed permit authority for the majority of its coastal zone on October 17, 1988. Isolated areas of deferred certification remain, and will be submitted for Commission certification once local planning is complete. There have been numerous amendments to the certified LCP; these are discussed further under LCP History in the report.

## **ADDITIONAL INFORMATION**

Further information on the City of San Diego/Sorrento Valley Road LCP Amendment No. 1-03B may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

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**PART I. OVERVIEW****A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996. Since 1988, a number of community plans (LUP segments) have been updated and certified by the Commission.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC has been in effect within the City's coastal zone since January 1, 2000.

**B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

**Section 30512**

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

### **PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to the resolution.

**MOTION:**        *I move that the Commission certify Land Use Plan Amendment No. 1-03B for the City of San Diego North City/Torrey Pines Land Use Plan Amendment, as submitted.*

### **STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment for the *City of San Diego North City/Torrey Pines Land Use Plan* as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

### **PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO NORTH CITY/TORREY PINES LAND USE PLAN AMENDMENT (Sorrento Valley Road closure), AS SUBMITTED**

### **A. AMENDMENT DESCRIPTION/HISTORY**

The current LCP amendment consists of changes to the language and exhibits of the Torrey Pines Community Plan/LCP Land Use Plan (LUP). Torrey Pines is one of several subareas of the North City LCP segment. This community extends from Via de la Valle on the north to the I-5/I-805 split on the south, and from just east of I-805 on the east to the Pacific Ocean on the west. Sorrento Valley Road is currently depicted, on all plan exhibits showing roads, as running from Carmel Valley Road south to the I-805 underpass, at which point it becomes Mira Mesa Boulevard and extends eastward into that community. The northern portion between Carmel Valley Road and Carmel Mountain Road runs in a north-south alignment between I-5 and Los Penasquitos Lagoon, following the eastern shoreline of the lagoon for most of the distance.

The City of San Diego was required to close a portion of Sorrento Valley Road between Carmel Valley Road and Carmel Mountain Road in the mid-90's to accommodate construction of the I-5/SR56 westbound to southbound flyover. The closure also accommodated the construction of Pump Station 65 along with various sewer pipe connections and replacements, some of which were within the roadbed itself. This portion of the road remains closed to this day.

The proposed amendment would make the closure permanent. Other traffic improvements have been completed on surrounding surface streets and the freeway system that appear to make any reopening of Sorrento Valley Road to general vehicular traffic unnecessary. Therefore, the City proposes to delete this segment from the area's circulation system (i.e., vacate the street). The amendment would also modify existing policies and standards of the LUP addressing this road segment to acknowledge reuse of this area as a bicycle/pedestrian path that can also be used for emergency and maintenance vehicles.

In addition to the various maps/exhibits in the LUP, a number of language changes are also proposed. For the most part, these changes will replace the term "Sorrento Valley Road" with "the Sorrento Valley Road bicycle/pedestrian path." Other language changes add new traffic information and reference the specific improvement project that is the subject of coastal development permit (CDP) applications, which must be processed by both the City of San Diego and the California Coastal Commission. Two CDPs are required because a portion of the road is in the City's jurisdiction, and appealable to the Commission, and a portion is within the Commission's original jurisdiction. No policy language standards or development parameters are changed in the subject LCP amendment request, nor does the modification of the circulation element require a change to the existing open space land use designation.

### **B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the Land Use Plan as set forth in the preceding resolution, is in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan, as amended herein, conforms with Chapter 3 of the Coastal Act and the goals of the state for the coastal zone.

### **C. CONFORMITY OF THE NORTH CITY/TORREY PINES LAND USE PLAN WITH CHAPTER 3**

The proposed modifications raise a number of Coastal Act concerns. These are discussed in the following findings:

1. Public Access and Recreation. The following Chapter 3 policies are most applicable to this area of concern, and state, in part:

#### **Section 30210.**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

#### **Section 30212.**

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, ...

**Section 30213.**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

**Section 30214.**

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.

- (2) The capacity of the site to sustain use and at what level of intensity.

- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

**Section 30220.**

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

**Section 30223.**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Section 30604(c)**

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Prior to temporary closure several years ago, vehicles traveling along this road moved at relatively high speeds, which was incompatible with the narrow width, winding nature and physical condition of the roadway. Since the road separated inland areas from the lagoon, high speeds were also detrimental to wildlife attempting to cross the road, particularly at night. Additionally, with no real shoulders or pullouts, there is no area for

the public to view and enjoy the natural beauty and activity of the lagoon habitat. Those who walked or rode bicycles found the road fairly dangerous, as it was a 26-foot wide, two-lane arterial, and bikers especially were forced to share the road with motorists. Since the road has been closed to vehicular traffic, it has become very popular with bicyclists and pedestrians. Birders, naturalists, and people looking for open space or exercise frequent the area and have registered support for making the road closure permanent. The wildlife agencies are also supportive, as several endangered species have established territories in this eastern portion of the lagoon, some in very close proximity to the closed road. Moreover, public recreational use will help promote public education about the lagoon's resources.

The Coastal Act supports all forms of public access to the coast and, in Southern California, this often means automobile access. In the past, Sorrento Valley Road provided a north-south link to Carmel Valley Road, a major public beach access route, and provided an alternative for persons wishing to avoid freeway driving. However, most traffic on Sorrento Valley Road has been commuter-related, not recreational. Although this proposal will curtail automobile access in this area, it will greatly enhance access for walkers and bicyclists. As stated earlier, there has never been a safe place for vehicles to pull off Sorrento Valley Road to enjoy the lagoon; it has always been just a drive-by experience, with average vehicular speeds of 40-50 miles per hour. The Commission finds the vastly improved pedestrian and bicycle access along the lagoon's edge far outweighs the recreational benefits of a paved public road in this location. The path will provide a low-cost recreational opportunity and will provide maximum access consistent with the need to protect resource areas. Reuse of Sorrento Valley Road as a pedestrian/bicycle path is the more appropriate access opportunity within this sensitive resource area. Therefore, the Commission finds the proposed LUP amendments consistent with the cited public access and recreation policies of the Coastal Act.

2. Traffic Circulation. The following Coastal Act policies are most applicable to the proposed LUP amendments, and state, in part:

**Section 30252.**

The location and amount of new development should maintain and enhance public access to the coast by ... (3) providing nonautomobile circulation within the development, ... .

**Section 30253.**

New development shall:

... (4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.



For the most part, traffic circulation concerns go hand in hand with public access issues. The previous finding showed that the proposed LUP amendment adequately addresses public access as required in the Coastal Act (i.e., beach and recreational access).

However, some business owners in the Sorrento Valley industrial area to the south of the proposed road closure believe that road congestion during commuter hours is so severe in this area that Sorrento Valley Road should be repaired and reopened to full vehicular use to try and relieve this situation. They claim that the historic circulation patterns have been disrupted by the temporary, seven year closure of the road, making it difficult both for their employees and customers to access the work place. A lawsuit has been filed objecting to the City's certification of the EIR.

During the EIR preparation, the City conducted a new traffic study to demonstrate that Sorrento Valley Road is no longer needed for commuter purposes due to major traffic improvements on I-5, SR56, and surrounding surface streets. The I-5 widening project, portions of which have been under construction for approximately ten years, continues to improve the freeway system by adding additional lanes. This project will include construction of a diamond interchange at Carmel Mountain Road, which serves the Sorrento Valley industrial area and acts as an alternative to Carmel Valley Road to connect Sorrento Valley Road with El Camino Real. Significant improvements have also occurred on El Camino Real, which runs north-south parallel to Sorrento Valley Road, but on the east side of I-5, whereas Sorrento Valley Road is on the west. Further south, Vista Sorrento Parkway has also been completed; this road is also a north-south connector, and runs along the east side of I-805/I-5 in roughly the same alignment that El Camino Real follows further north.

All of these improvements have occurred during the time the northern portion of Sorrento Valley Road has been closed to traffic, and time and use have proven that they provide viable alternatives to Sorrento Valley Road itself. Although only Sorrento Valley Road provides direct access to the businesses fronting it, the alternative route system makes Sorrento Valley Road unnecessary for through traffic. All but a very few of the businesses on Sorrento Valley Road are located south of Carmel Mountain Road. Because of the nearness of Los Penasquitos Lagoon to Sorrento Valley Road, there are no private properties on the west side of Sorrento Valley Road, north of Carmel Mountain Road; there are, however, three or four businesses on the east side of Sorrento Valley Road north of Carmel Mountain Road. These few businesses north of the intersection of Sorrento Valley Road and Carmel Mountain Road will retain their private rights of access even if the fronting street (Sorrento Valley Road) is closed to through traffic. The Coastal Act doesn't address access to non-coast-related businesses except to the extent that such access has indirect impacts on coastal access or requires significant increases in vehicle miles traveled or energy consumption. As discussed above, the proposed amendment results in a significant overall improvement to coastal access. Moreover, with VISTA Sorrento Parkway and El Camino Real providing alternative north-south connections just east of I-5, the closure won't result in significant increases in energy consumption or vehicle miles traveled.

In summary, the Commission finds that, on the whole, traffic circulation in this area of the greater San Diego community is much improved over what existed a decade ago. Although both business and residential growth in the area continues to occur at a rapid pace, additional road improvements are currently being constructed, or have been approved/permitted for construction in the near future. The proposed deletion of the northern portion of Sorrento Valley Road from the Torrey Pines LUP's circulation element will not result in any loss of direct access to private properties. Legal access rights to any private properties otherwise affected by this action have been specifically preserved through the City Council's action, which is not modified in any way by the action recommended herein. Access to these businesses located south of Pump Station 65 and immediately north of Carmel Valley Road will result in a minimal automobile use of the southernmost portion of the Sorrento Valley Road pedestrian/bicycle path. This small portion of the path will remain paved as far north as Pump Station 65 in any case, to provide for the pump station's maintenance needs. The Commission finds the proposed LUP amendment fully consistent with Chapter 3 of the Coastal Act.

4. Environmentally Sensitive Habitats. The following Coastal Act policies are most applicable to the proposed LUP amendment, and state, in part:

**Section 30233.**

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems. ...

**Section 30240.**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Removal of Sorrento Valley Road as a vehicular through street will have long-term beneficial impacts on the existing environmentally sensitive wetland and upland habitats of Los Penasquitos Lagoon. Los Penasquitos Lagoon is one of 19 listed coastal lagoons/waterways as being extremely sensitive and as necessary to the area's long-term environmental health. The lagoon not only contains most types of wetlands found in Southern California, but several sensitive upland habitats as well. Because of these sensitive resources, the lagoon is home to a number of endangered and threatened species listed by the state and/or federal governments, as well as many more common species of plants and animals. Carmel Creek, which crosses Sorrento Valley Road within the subject area, provides one of only two remaining wildlife corridors between the lagoon and highly productive lowland and upland habitats east of #I-5. Large mammals known to use this corridor include mule deer, bobcat, coyote and mountain lion.

The proposal to delete this portion of Sorrento Valley Road from the LUP Circulation Element will remove a relatively high-speed traffic corridor from the lagoon's perimeter, and replace it with a passive public bicycle and pedestrian access trail. Such trails are typically allowable uses in inland portions of buffer areas, and serve to formalize trail delineation and enhance opportunities for public education and recreation. Moreover, provision of formal trails generally reduces the public's desire to informally intrude directly into lagoon resources. Right now, no habitat buffers exist at all, since sensitive

resources go right up to fragments of the former road. Although use of this area as a pedestrian/bicycle trail will result in less than a 100-foot buffer in many locations, it will still represent a great improvement in buffering over what currently exists, or what could exist if the four-lane major arterial identified in earlier versions of the Torrey Pines LUP were implemented.

At this time, the Commission is reviewing only the proposed amendment to the Torrey Pines LUP, and not an actual development proposal. Therefore, the Commission must identify any potential impacts that could occur to the lagoon from a full range of possible projects based on the change proposed herein. In doing this, the Commission recognizes that this proposed amendment does not change any existing LUP policies that protect resources, nor is anything in the implementation program modified. All requirements of the Environmentally Sensitive Lands Ordinance, along with LUP policies addressing preservation of open space and those applying specifically to Los Penasquitos Lagoon, would apply to any future improvements undertaken. Thus, any future project would be reviewed under all the existing standards of the certified LCP, unless the Commission certified changes to these standards in the future. As such, a range of project alternatives must be explored to determine the least environmentally-damaging alternative, and adequate mitigation for any unavoidable impacts must be proposed. Moreover, pursuant to Section 30233, only eight specific types of projects can be allowed at all if wetlands are directly impacted. The Torrey Pines LUP implements this Coastal Act policy and further restricts allowable uses to only four types: incidental public services, mineral extraction, restoration and nature study.

In the EIR for this LUP amendment request, the City also reviewed a specific redevelopment plan for the northern portion of Sorrento Valley Road. The proposed trail alignment, however, is not entirely within the City's coastal permitting jurisdiction, and the Coastal Commission will also be reviewing a coastal development permit for portions of the project. Neither permit review has begun at this time, and the City's permit will be appealable to the Commission. There is no reason to believe that a project cannot be proposed that will be fully consistent with the LUP changes proposed herein. This amendment doesn't require any particular alignment or foreclose any options related to alignment or design of the path. Thus, the Commission finds the proposed LUP amendment consistent with the cited Coastal Act provisions.

5. Water Quality. The following two Chapter 3 policies are most applicable to the proposed LUP amendment, and state in part:

**Section 30230.**

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

**Section 30231.**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed LUP amendment to delete the northern portion of Sorrento Valley Road from the Torrey Pines LUP circulation element will result in improvements to water quality in the lagoon, as will the continuing projects associated with the widening of I-5/I-805. The measure requires the road to be deleted by the Commission from all the plan's maps delineating the circulation element, and modifies all text language referring to "Sorrento Valley Road" to read instead "bicycle/pedestrian path on Sorrento Valley Road."

The effect of this action will be to move the line of vehicles further away from the eastern perimeter of the lagoon. By itself, this should improve air quality, and stormwater flows will have further to travel on pervious surfaces before reaching the lagoon. In addition, any future bicycle/pedestrian path improvement project will include both pre- and post-construction BMPs, and will have to address the treatment and conveyance of stormwater from I-5 to the lagoon. Caltrans will be replacing three existing culverts with an actual bridge over Carmel Creek, just south of Carmel Valley Road, as part of the I-5 widening project. This segment has been on hold until it is determined whether a vehicular, or just bicycle/pedestrian, bridge is needed. Approval of the subject LUP amendment will allow that project to go forward to final design and construction. The Carmel Creek bridge represents the single most significant water quality improvement in this area, as the culverts are choked with sediment and this traditional wildlife corridor does not function well at this time.

Therefore, although the LUP language changes approved herein will not themselves improve water quality, resulting future projects will. An existing sediment basin on the east side of Sorrento Valley Road, will continue to function. With the pedestrian path/bicycle trail option, most of the existing pavement of Sorrento Valley Road can be removed, leading to less impervious surfaces and allowing room for additional vegetative treatment of runoff to occur. Finally, with all but emergency/maintenance vehicles and bicycles removed from the road, there will be far fewer hydrocarbons deposited in the sediments. The Commission thus finds the proposed LUP amendments fully consistent with the cited sections of the Coastal Act.

6. Visual Resources. Section 30251 of the Act addresses the issue of visual resources, and states:

**Section 30251.**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

This area of North City is highly scenic with public views across the lagoon available in several locations along I-5 and from surrounding surface streets. The proposed LUP amendment will reduce the intensity of use of Sorrento Valley Road to a significant degree, enhancing the natural setting of the lagoon. In addition, travel along this portion of Sorrento Valley Road will be reduced in speed to a level where the walkers and riders can actually enjoy the beauty of the area. In addition, future plans indicate the City may acquire a knoll between existing Sorrento Valley Road and I-5. If so, this area will be improved with a trail and lookout point at the highest elevation of the knoll. Some temporary impacts will result with whatever project ultimately implements this LUP change, but these impacts will be short-lived and will not result in any permanent adverse impacts. Therefore, the Commission finds the proposed amendment fully consistent with the cited Coastal Act policy.

**PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. The Commission has reviewed the amendment submittal for conformance with many Coastal Act policies, including those addressing public access, environmental and visual resources, traffic and water quality. In this particular case, the Commission finds the LUP amendment certifiable as submitted, and therefore, fully consistent with CEQA. There are no feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact of the LUP amendment on the environment.

